

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 13, 2010

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No.: 10OD-019

Oahu

Consent to Assign and Amendment of Area and Term of Grant of Non-Exclusive Easement No. S-5602, SPRINTCOM, INC. Assignor, to STC TWO LLC, Assignee, Kailua, Koolaupoko, Oahu, TMK: (1) 4-2-98:portion of 047

APPLICANT:

SPRINTCOM, INC., as Assignor, to STC TWO LLC, a Delaware limited liability company, whose business and mailing address is 5350 North 48th Street, Suite 305, Chandler, Arizona, 85226, hereinafter called the Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5) and 95, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government (Crown) lands situated at Kailua, Koolaupoko, Oahu, identified by TMK (1) 4-2-098:portion of 047, as shown on the attached maps labeled Exhibit A and Exhibit B.

AREA:

Current area is 193 square feet.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CHARACTER OF USE:

Right, privilege and authority to construct, use, maintain and repair the wireless communications antenna and communication facilities.

TERM OF LEASE:

Twenty (20) years, commencing on November 1, 1998 and expiring on October 31, 2018.

CURRENT ANNUAL RENTAL:

\$17,400 paid in semi-annual payments. (See Remarks Section for new rent)

ASSIGNMENT:

CONSIDERATION:

Not applicable. The assignment is a result of the reorganization of the corporation.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

AMENDMENT OF AREA & TERM

AREA

Assignee requests for an additional 250 square feet making up a total of 443 square feet, more or less, further subject to review and approval by the Department of Accounting and General Services, Survey Division.

TERM

Assignee requests to revise the term from 20 years to 35 years, i.e. an additional 15 years, with the new expiration date falls on October 31, 2033.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u>  </u>
Registered business name confirmed:	YES <u>X</u>	NO <u>  </u>
Good standing confirmed:	YES <u>X</u>	NO <u>  </u>

APPLICANT REQUIREMENTS:

Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Sections 11-200-8(a)(1) & (4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the

preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

#### REMARKS:

The Board at its meeting of July 24, 1998, under agenda item D-20, approved the issuance of a non-exclusive easement to Primeco Personal Communications, L.P. for a wireless communication antenna and facility site. Later, at its meeting of February 12, 1999, under agenda Item D-8, the Board approved the name change from Primeco Communications, L.P. to SPRINTCOM, INC, the Assignor.

#### Consent to Assign

By way of letter dated May 29, 2009, the Land Division was informed that Assignor was going through an internal reorganization, which was the reason for the request for the Board's approval to consent to the assignment of the subject easement to STC TWO LLC, a Delaware limited liability company, the Assignee.

#### Staff Analysis

Assignor is in compliance with the terms and conditions of the easement in regards to the rent, liability insurance and performance bond. Site inspections conducted show that the area has been maintained in a satisfactory manner.

The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. Therefore, staff does not have any objection to the request for consent to assign.

#### Amend Easement Area and Term

Upon approval given by the Board on the assignment, the Assignee intends to install two new cabinets to house additional equipment serving the communication tower. Therefore, the Assignee requests an additional area of 250 sq. ft. making the total easement area of 443 sq. ft. Further, the Assignee requests the Board amend the expiration date to October 31, 2033, i.e. an additional fifteen (15) years to recapture the cost of the improvements being spent for the easement area.

#### Comments from other agencies

Regarding the amendment of easement area and term, staff has solicited comments from the following agencies and received no objections/comments from them. The are Department of Hawaiian Home Lands, Department of Transportation, Highways Division, Office of Hawaiian Affairs, DLNR Divisions of Engineering, State Historic Preservation Division, Commission on Water Resource Management, Department of Planning and Permitting, and Department of Design and Construction.

Department of Facility Maintenance, the agency which has the management jurisdiction of the subject area pursuant to Executive Order No. 1277 does not have any objection to the request, as noted on its response attached as Exhibit C.

Environmental Assessment

The additional 250 square feet area, compared to the entire acreage of parcel 47, which is over three (3) acres, is relatively small. The subject location is also level and does not have vegetation coverage. Therefore, staff believes that any alterations in the conditions of land will be minor and recommend the Board declare the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class in Hawaii Administrative Rules 11-200-8(a) (1) & (4) as cited above.

New Rent

Pertaining to the rental for the additional area, staff recommends the Board authorize the staff appraiser to use the unit rate of the current rent to be applied on the new area, and the future rental reopening dates will be November 1, 2018 and November 1, 2028.


Staff has no objections to this request. There are no major issues or concerns.

RECOMMENDATION: That the Board:

- A. Consent to the Assignment of Grant of Non-Exclusive Easement No. S-5602 from SPRINTCOM, INC., as Assignor, to STC TWO LLC, as Assignee, subject to the following:
  1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
  2. Review and approval by the Department of the Attorney General; and
  3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
- B. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
- C. Amend Grant of Non-Exclusive Easement S-5602 by:
  1. Replacing the easement area with 443 square feet, further subject to review and approval by the Department of Accounting and General Services;

2. Authorizing the staff appraiser use the current unit rent for the additional area until October 31, 2018;
3. Revising the expiration date to October 31, 2033;
4. Adding November 1, 2018 and November 1, 2028 as the rental reopening dates;
5. Review and approval by the Department of the Attorney General; and
6. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

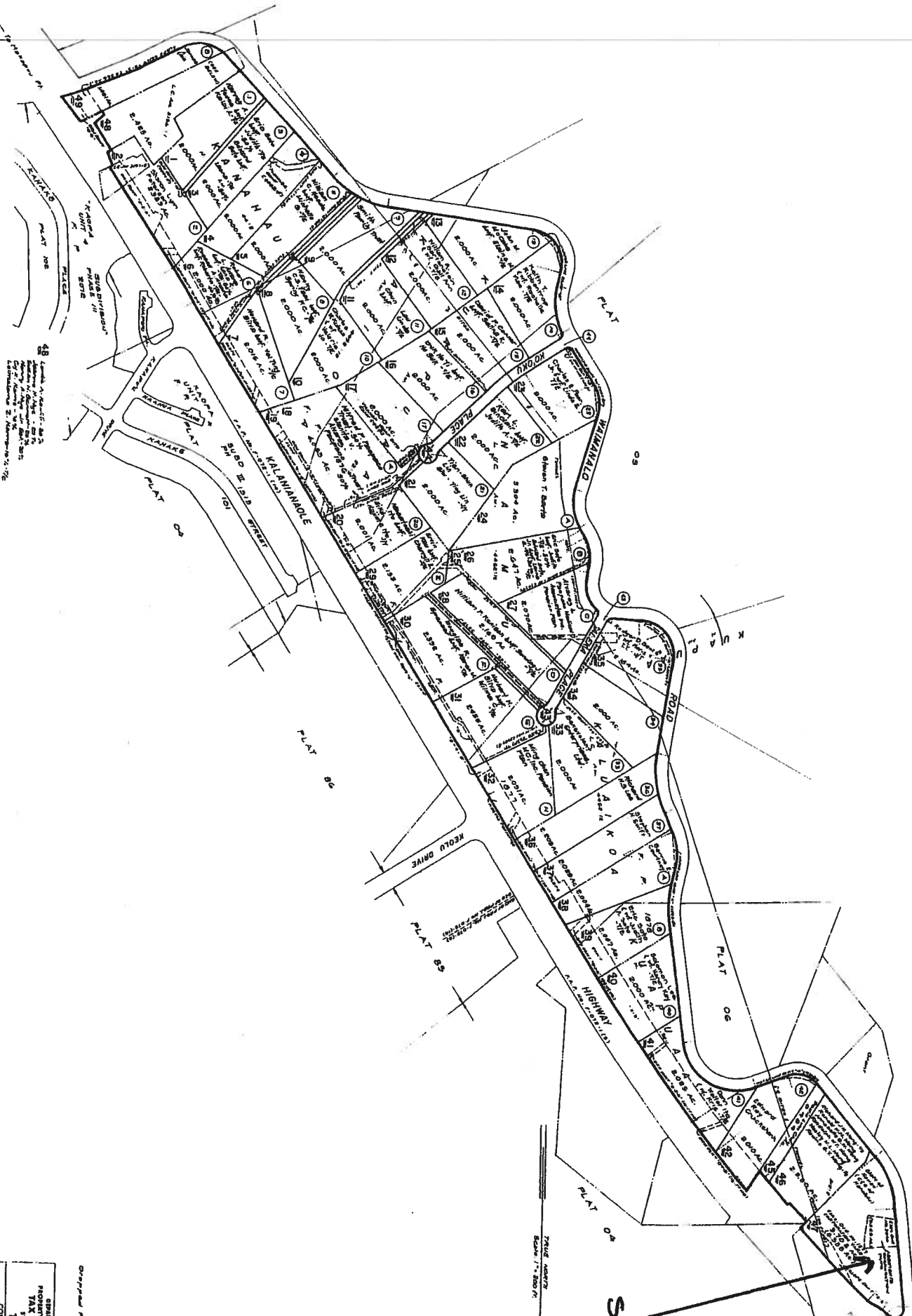


Steve Lau  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielert, Chairperson

Lenskiy A., Kozlov E. - 80 %  
Kabanov N., Lyge S. - 60 %  
Kabanov N., Gerasimova E. 70 %  
Mening R., Lyge S. - 60-70 %  
Lyg S., Kabanov E. - 70 %  
Kabanov E., Mening R. - 70 %



Subarea

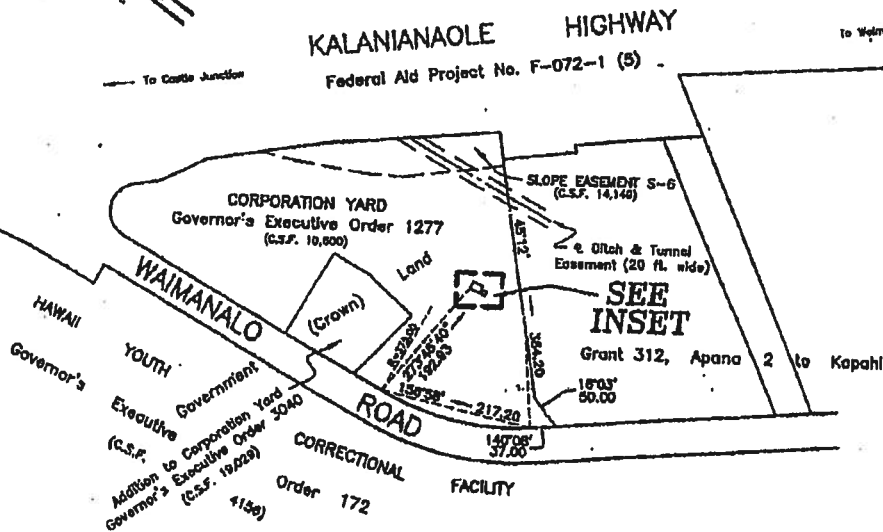
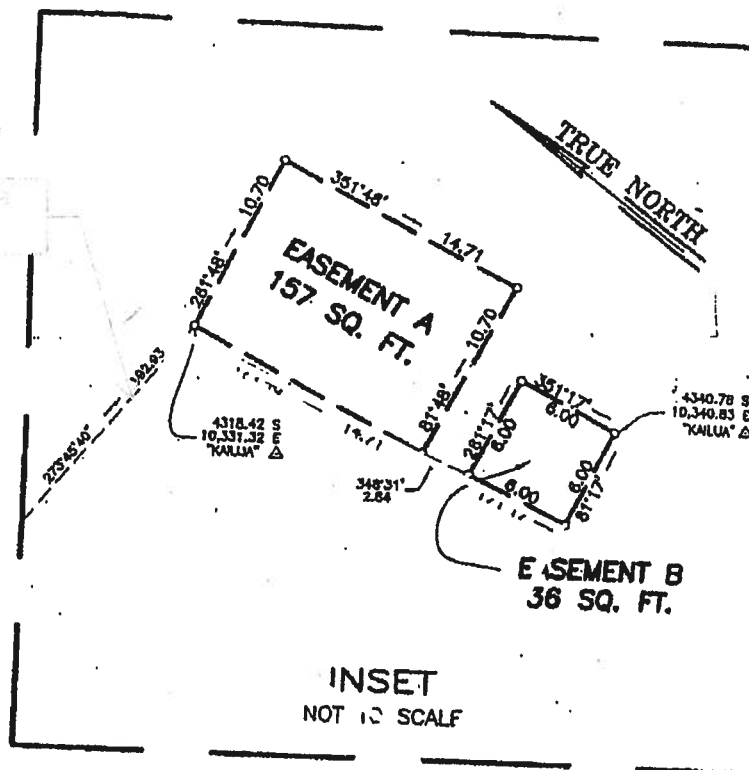
**EXHIBIT "A"**

DEPARTMENT OF REVENUE PROPERTY ASSISTANT DIVISION TAX MAPS SECTION STATE OF MAHABH TAX MAP		
COUNTY OF HONOLULU		
ZONE	SEC.	PLAT
4	2	98

SCALE: 1" = 200 FT.

Proposed Expansion Area  
(Approx. 250 sq. ft.)

TRUE NORTH  
Scale: 1 in. = 200 ft.



NON-EXCLUSIVE  
WIRELESS COMMUNICATION EASEMENTS  
**EASEMENTS A AND B**

Kawailoa, Kailua, Koolauapoko, Oahu, Hawaii  
Scale: 1 Inch = 200 ft.

Page 1 of 1

**EXHIBIT "B"**

JOB O-104(99)  
C. BK. C. Kaneshiro, Bk. 1

TAX MAP 4-2-98:Por.47

C.S.F. NO. 22 R04

SURVEY DIVISION  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
STATE OF HAWAII

Clayton/O-104(99)

LINDA LINGLE  
GOVERNOR OF HAWAII



2010 APR 1 P 1:50

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

RECEIVED  
DEPARTMENT OF  
FACILITY MAINTENANCE

2010 MAR -5 P 9:50



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

356260

PRM  
C:KM

LAURA H-THIELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAIHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Ref: LD-SL

PSF No.: 100D-019

February 26, 2010

# MEMORANDUM

TO: State Agencies:  
☒ DHHL  
☒ DLNR-Engineering  
☒ DLNR-Historic Preservation  
☒ DLNR-Water Resource Management  
☒ Dept. of Transportation

County Agencies:  
☒ Planning & Permitting  
☒ Facility Maintenance  
☒ Design & Construction

Federal Agencies:  
☐ Corps of Engineers

Other Agencies:  
☒ Office of Hawaiian Affairs

FROM: Steve Lau, Land Agent *Steve Lau*

SUBJECT: Request for expansion of Olomana Tower Site to STC TWO LLC to construct, use, maintain and repair communications antenna and communication facilities.

LOCATION: Kailua, Koolau, Oahu, TMK:(1) 4-2-098:047 Area: .004 acres

APPLICANT: STC TWO LLC

Transmitted for your review and comment is an application from the applicant and a map of the subject property involving State Land, which is currently encumbered under GL-5602 to Sprintcom, Inc., consisting of .004 acres located within the property set aside to the City and County of Honolulu for their Kailua Corporation Baseyard. Sprintcom, Inc. has assigned the lease to STC TWO LLC. The applicant is requesting to expand the current area site from 193 sq. ft. (.004 acres) by an additional 250 sq. ft. (.006 acres) totaling 443 sq. ft. or .010 acres. The subject property is identified by Tax Map Key: (1) 4-2-098:047, to construct, use, maintain and repair the wireless communications antenna and communication facilities. There would be no change to the existing use on the premises. We would appreciate your comments on this application.

Please submit any comments by March 26, 2010. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0447. Thank you.

## Attachments

DRM 10-268  
4/1/10

- (XX) We have no objections.  
( ) We have no comments.  
( ) Comments are attached.

Signed: *[Signature]*  
Date: *[Signature]*

EXHIBIT "C"